

AMENDED IN SENATE APRIL 7, 2003

SENATE BILL

No. 892

Introduced by Senator Murray

February 21, 2003

An act to ~~amend Section 17582 of~~ add Section 35292.5 to the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 892, as amended, Murray. Public school restrooms: ~~deferred maintenance funds.~~

Existing law provides for the maintenance and repair of school facilities by school districts.

This bill would require every school in a school district to have restroom facilities that are open at all times during school hours, maintained and cleaned regularly, fully operational, and stocked at all times with soap and paper supplies. To the extent that this bill imposes additional duties on school districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Existing law authorizes a school district to establish a restricted fund known as the “district deferred maintenance account” for the purpose of major repair or replacement of school facilities systems.

Existing law requires the State Allocation Board to allocate, within prescribed limits, matching state funding from the State School Deferred Maintenance Fund to applicant school districts for this purpose.

This bill would authorize use of deferred maintenance funds to maintain and supply pupil restroom facilities and would require, as a condition of receipt of matching state funds, that the school district certify that it has properly maintained and supplied rest room facilities for the immediately preceding 12-month period.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 17582 of the Education Code is~~
- 2 ~~SECTION 1. Section 35292.5 is added to the Education Code,~~
- 3 ~~to read:~~
- 4 ~~35292.5. Every restroom facility in each school in a school~~
- 5 ~~district shall be open at all times during school hours, maintained~~
- 6 ~~and cleaned regularly, fully operational, and stocked at all times~~
- 7 ~~with toilet paper, soap, and paper towels or hand dryers, and~~
- 8 ~~contain the minimum number of fixtures, as required by the State~~
- 9 ~~Architect pursuant to existing law.~~
- 10 ~~SEC. 2. Notwithstanding Section 17610 of the Government~~
- 11 ~~Code, if the Commission on State Mandates determines that this~~
- 12 ~~act contains costs mandated by the state, reimbursement to local~~
- 13 ~~agencies and school districts for those costs shall be made~~
- 14 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
- 15 ~~4 of Title 2 of the Government Code. If the statewide cost of the~~
- 16 ~~claim for reimbursement does not exceed one million dollars~~
- 17 ~~(\$1,000,000), reimbursement shall be made from the State~~
- 18 ~~Mandates Claims Fund.~~
- 19 ~~amended to read:~~
- 20 ~~17582. (a) The governing board of each school district may~~
- 21 ~~establish a restricted fund to be known as the “district deferred~~
- 22 ~~maintenance fund” for the purpose of maintenance and supply of~~
- 23 ~~restrooms, major repair or replacement of plumbing, heating, air~~

1 conditioning, electrical, roofing, and floor systems, the exterior
2 and interior painting of school buildings, the inspection, sampling,
3 and analysis of building materials to determine the presence of
4 asbestos-containing materials, the encapsulation or removal of
5 asbestos-containing materials, the inspection, identification,
6 sampling, and analysis of building materials to determine the
7 presence of lead-containing materials, the control, management,
8 and removal of lead-containing materials, and any other items of
9 maintenance approved by the State Allocation Board. Funds
10 deposited in the district deferred maintenance fund may be
11 received from any source whatsoever, and shall be accounted for
12 separately from all other funds and accounts and retained in the
13 district deferred maintenance fund for purposes of this section.
14 The term “school building” as used in this article includes a
15 facility that a county office of education is authorized to use
16 pursuant to Article 3 (commencing with Section 17280) of
17 Chapter 3.

18 (b) Funds deposited in the district deferred maintenance fund
19 shall only be expended for maintenance purposes as provided
20 pursuant to subdivision (a). As a condition of receipt of state
21 funding pursuant to Section 17584, the school district shall certify
22 to the State Allocation Board that it has properly maintained and
23 supplied its pupil restroom facilities, pursuant to standards
24 established by the State Allocation Board, throughout the
25 immediately preceding 12-month period.

26 (c) The governing board of each school district shall have
27 complete control over the funds and earnings of funds once
28 deposited in the district deferred maintenance fund, provided that
29 no funds deposited in the district deferred maintenance fund
30 pursuant to subdivision (a) or (b) of Section 17584 may be
31 expended by the governing board for any purpose except those
32 specified in subdivision (a) of this section.